

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

QUENTIN BRADLEY	§	
v.	§	CIVIL ACTION NO. 5:05cv74
JOHN RUPERT, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Quentin Bradley, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Bradley complained of alleged errors surrounding his prison classification, which errors led, according to Bradley, to his being assaulted by prison gang members. The Magistrate Judge ordered the Defendants to answer the lawsuit, and on March 5, 2007, the Defendants filed a motion for summary judgment. Bradley filed a motion for extension of time in which to respond, which was granted, but no response to the motion was ever filed.

After review of the pleadings and the competent summary judgment evidence, the Magistrate Judge issued a Report on July 9, 2007, recommending that the Defendants' motion for summary judgment be granted and that the lawsuit be dismissed. On July 20, 2007, Bradley filed a motion for extension of time in which to file objections to the Report, which motion was granted to September 6, 2007; however, no objections to the Report have been forthcoming.

It is clear that Bradley has had ample time in which to file objections to the Report of the Magistrate Judge, but has failed to do so; accordingly, he is barred from *de novo* review by

the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendants' motion for summary judgment (docket no. 35) is GRANTED and that the above-styled civil action be and hereby is DISMISSED with prejudice. It is further

ORDERED that any and all other motions which may be pending in this action are hereby DENIED.

SIGNED this 24th day of September, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE